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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,256	04/13/2005	Ruediger Duwendag	P70494USD	4845
136 7590 05/30/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER WEEKS, GLORIA R				
ART UNIT		PAPER NUMBER		
3721				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,256

Applicant(s)

DUWENDAG ET AL.

Examiner

GLORIA R. WEEKS

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the after-final amendment received on February 8, 2008, requesting reconsideration of the rejection provided in the final rejection mailed on August 13, 2008. While Examiner has agreed to reopen prosecution due to the improper 112 1st Paragraph rejection, Examiner has maintained the status of final on this action due to the significant amendments made in the response filed by Applicant on May 8, 2007.

Drawings

2. The drawings were received on February 8, 2008. These drawings are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Chmielewski (USPN 5,197,938).

In reference to claims 1, 2 and 7, Chmielewski discloses a device comprising: a plurality of working stations 62, 90, at least one working station equipped with a tools (bristles) that are mounted on a tool roller 94; at least one conveyor system including belts 42, 46 driven by drive wheels 30, 34, 48, 52 having a diameter greater than the diameter of the tool roller 94; and a drive system (figure 2) that drives the drive wheels 30, 34, 48, 52 and the tool roller 94. Although Chmielewski does not disclose the angular velocity of the tool roller with respect to the

drive wheels, the size correlation between the drive wheels and the tool rollers, as well as the distinct motors 106, 123 for the tool roller and the drive wheels is found to suggest to one of ordinary skill in the art at the time of the invention that the tool roller 94 is capable of being driven at an angular speed greater than the drive wheels 30, 34, 48, 52, such as a 2:3 ration, for the purpose of maintaining synchronization of the drive wheels with the tool rollers (column 6 lines 13-14).

5. Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaves et al. (USPN 4,574,566).

Regarding claims 1, 2, 7 and 8, Eaves discloses a device comprising: a plurality of working stations (fin heating station and cut/seal station), at least one working station (cut/seal station) equipped with a plurality of tools 66 that are mounted on a plurality of tool rollers 17, 18; at least one conveyor system including belts 21, 22, 32 driven by drive wheels having a diameter greater than the diameter of the tool rollers 17, 18; and a drive system 34, 36, 37a-37c, 39-42, 45 and 47 that drives the drive wheels and the tool rollers 17, 18. Although Eaves does not disclose the angular velocity of the tool rollers with respect to the drive wheels, the size correlation between the drive wheels and the tool rollers, as well as the distinct motors 106, 123 for the tool roller and the drive wheels is found to suggest to one of ordinary skill in the art at the time of the invention that the tool roller are capable of being driven at an angular speed greater than the drive wheels, such as a 2:3 ration, for the purpose of maintaining proper orientation of the conveyed product with each respective station (column 5 lines 13-38).

With respect to claims 4 and 5, Eaves discloses a method comprising: providing a plurality of working stations (fin heating station and cut/seal station) that perform working steps

on tube sections 12, at least one working station (cut/seal station) equipped with a tool 66 that is mounted on a tool roller 17, 18 that passes through a working position once during each rotation of the roller 17, 18; conveying the tube sections 12 through the working stations with conveyor belts 21, 22 that are driven by drive wheels, the drive wheels having a diameter greater than the diameter of the tool rollers 17, 18; and driving the drive wheels with a drive system 34, 36 and 46 that drives the drive wheels. Although Eaves does not disclose the angular velocity of the tool rollers with respect to the drive wheels, the distinct motors 106, 123 for the tool roller and the drive wheels is found to suggest to one of ordinary skill in the art at the time of the invention that the tool roller are capable of being driven at an angular speed greater than the drive wheels, such as a 2:3 ration, for the purpose of maintaining proper orientation of the conveyed product with each respective station (column 5 lines 13-38).

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaves et al. (USPN 4,574,566) as applied to claims 1 and 7, and further in view of Matsuoka et al. (USPN 6,722,493).

In reference to claims 3 and 12, Eaves discloses a device comprising a conveying system synchronized with tool rollers, wherein the drive wheels of the conveying system are separately controlled and driven by a respective motor drive system 34. Although column 4 lines 31-38 of Eaves states that it is well known in the art to prove a conveying system with a gear train, Eaves does not disclose a gear system associated with the disclosed drive system 34. Matsuoka et al. teaches a conveyor drive system including a line gear in communication with a bevel gear that is in communication with a planetary gear that is in communication with the drive wheel 214 (column 10 lines 24-35). It would have been obvious to one having ordinary skill in the art at the

time of the invention to modify the drive system of Eaves to include a gear system having a linear gear, a planetary gear, and a bevel gear in communication with the drive wheel, since column 3 lines 54-59 of Matsuoka et al. states that such a modification prevents sudden acceleration or deceleration of the drive wheel and conveyor belt, thereby facilitating a smooth transition in speed as desired by Eaves (column 1 line 61-column 2 line 41).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chmielewski (USPN 5,197,938) as applied to claim 7, and further in view of Baig et al. (USPN 5,355,992).

With respect to claim 9, Chmielewski discloses a device having a single deflection wheel 38 associated with the drive wheels 30, 34 of the conveying system, but does not disclose a pair of deflection wheels associated with the drive wheels 30, 34. Baig et al. teaches a conveying system including a pair of deflection wheels 18 associated with a primary deflection wheel 22, wherein the primary deflection wheels 18 and the primary deflection wheel 22 are in association with the drive wheels 12, 14 of the conveying system. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the conveying system of Chmielewski to include a pair of deflection wheels in addition to the primary deflection wheel disclosed, since column 2 lines 56-58 of Baig et al. suggests that such a modification provides support to a conveying belt of the conveying system for alignment with a tangent of the drive wheels upon travel of the conveyor belt from a first drive wheel to the primary deflection wheel, and from the primary deflection wheel to a second drive wheel.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chmielewski (USPN 5,197,938) as applied to claim 7, and further in view of Andre De La Porte et al. (USPN 5,164,241).

Regarding claims 10 and 11, Chmielewski discloses a device comprising a conveyor belt conveying system, but does not disclose the composition of the conveyor belts. Andre De La Porte teaches a conveyor belt including a plurality of steel cords 6 having a tensile strength, the steel cords 6 embedded in an elastic coating 2 having a lower tensile strength than the tensile strength of the steel cords 6. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the composition of the conveyor belts of Chmielewski to include a metal cords embedded in a flexible material, as taught by Andre De La Porte, for the purpose of reinforcing the conveyor belt while maintaining the flexibility of the conveyor belts and increasing the life of the conveyor belt.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations related to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLORIA R. WEEKS whose telephone number is (571)272-4473. The examiner can normally be reached on M-F 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
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- Certificates of Correction (703) 305-8309
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- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199

/Gloria R. Weeks/

Examiner, Art Unit 3721

/Rinaldi I Rada/

Supervisory Patent Examiner, Art Unit
3721

May 31, 2008